IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.752 of 2002 (M/B)

Dr. Rajesh Kumar Adhana,
S/o Sri Nageena Singh,
R/o Village Puran Pur,
Tehsil Laksar, District Haridwar. ……. Petitioners.

Versus

1. State of Uttaranchal through Secretary,
   Medical and Health, Dehradun.
2. Chief Medical Officer,
   District Haridwar.
3. District Malaria Officer,
   District Haridwar.
4. Chief Medical Superintendent,
   Community Heath Centre,
   Laksar, District Haridwar. ……. Respondents.

Mr. M.S. Tyagi, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. M.S. Tyagi, Advocate for the petitioner.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for the respondents.

2. Petitioner Dr. Rajesh Kumar Adhana has filed this writ petition styled as 'Public Interest Litigation' for the following reliefs:

> "i) Issue a writ order or direction in the nature of mandamus commanding the Respondents to take the necessary and effective measures to eradicate the Malaria from the aforesaid affected area by destroying the mosquitoes and taking the other required steps.
>
> ii) Issue a writ order or direction which deems fit and proper under the circumstances of the case to this Hon'ble Court.

iii) Cost of the Writ Petition be awarded to the Petitioner."

3. The respondents have filed their counter affidavit. Paras 10, 11 and 19 of the said counter affidavit reads as under:

"10. That the contents of para 11 of the writ petition it is admitted that representations have been received and upon receipt of representation the respondent taken effective measures regarding the malaria control and mosquito control in Khan Pur area. Now at this stage the respondents have day by day controlled the malaria. The figures regarding malaria controlled from Jan 2001 to February 2003 are being filed herewith and are annexed as **Annexure-CA-1** to this counter affidavit.

11. That the contents of para 12 of the writ petition are not admitted and denied inasmuch as the representation of Tehsil Divas was received and that was given for effective control to district level Medial Officers group comprising of Dr. S.N. Khan, Dr. Brahm Singh (C.H.C. Laksar), Sri Indra Pal, Sri Dharm Nath etc. regularly visit the villages i.e. Puranpur, Niyamat Pur, Bagowali, Mizapur, Idrishpur, and Bharuwala etc. and approximately 75 bloods slides were collected from he patients and none of them was found positive. The dependent had reported this report to Chief Medical Officer, Haridwar on 6th Arial 2002. the true copy of the said report dated 6th April 2002 is being filed herewith and is annexed as **Annexure CA-2** to this affidavit.

19. That the contents of para 20 and 21 of the writ petition are legal in nature, which shall be replied at the time of hearing the petitioner, is not entitled for any relief claimed by him in the aforesaid writ petition. That the respondents are regularly controlled the malaria in the district the blood slides are collected from the apprehended persons there upon after getting analyses and straight scrutiny the treatments are been given by the Health Staff. Even at the time of blood slides collection F.R.T. treatment are being given to the apprehended persons of malaria in Laksar area. It is also significant to mention here that spray work in the selected area has been done by the Health Department to effectively control the malaria in the area."

4. From the above quoted paras of the counter affidavit and the Annexures filed along with the counter affidavit, we are satisfied that the respondents are taking necessary steps towards eradication of malaria in

the district of Haridwar. In this view of the matter, we are of the opinion that no further monitoring now is required.

5. We hope that the respondents shall continue with their efforts for the eradication of malaria in the district of Haridwar. If found necessary more personnel may be appointed in that behalf.

6. The writ petition thus is closed.

(Prafulla C. Pant, J.) 16.06.2006

(Rajeev Gupta, C.J.) 16.06.2006

A